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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,571	01/02/2002	Yi-Ming Liao	3313-0456P-SP	5844
2292	7590	03/22/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			O'CONNOR, GERALD J	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,571

Applicant(s)

Liao et al.

Examiner

O'Connor

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 2, 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112, Second Paragraph***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13, as best understood in light of their above rejection under 35 U.S.C. 112, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rand et al. (US 5,960,414).

Rand et al. disclose a method comprising: calculating material part numbers of produced finished goods from those variant orders between a forecast order and a production order through the Enterprise Resource Planning (ERP/MRP) server; generating quantities of at least one surplus stock according to those material part numbers of the variant finished goods; and, calculating required quantity demands of the surplus/excess stock over a fixed time interval to compare with surplus stocks in inventory, but Rand et al. fail to explicitly disclose making for claim requests on the vendor/supplier ends. However, making for claim requests on the vendor/supplier ends for excess ordered inventory is certainly well known, hence obvious, to those of ordinary skill in the art of manufacturing/purchasing/supplying/business/commerce, and official notice to that effect is hereby taken. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have used the system of Rand et al. so as to make for claim requests on the vendor/supplier ends for the excess ordered inventory, as is well known to do, in order to enable the owners of the business to maximize profitability by minimizing costs, and since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Regarding claim 2, the forecast order in the method of Rand et al. is generated through the Enterprise Resource Planning (ERP/MRP) server based on procurement records provided by the vendor/supplier end to forecast required replenishment of quantities and material categories at the enterprise end at a predetermined interval.

Regarding claim 3, the production order in the method of Rand et al. relates to a build order placed by the client end at a predetermined interval.

Regarding claim 4, in the method of Rand et al., the step of calculating material part numbers of produced finished goods from those variant orders between a forecast order and a production order through the Enterprise Resource Planning (ERP/MRP) server further comprises steps of the following: capturing at least one material part number of the finished goods from a storage media through the Enterprise Resource Planning (ERP/MRP) server; contrasting the material part numbers of both the production order and a forecast order at a fixed time interval; and, determining if the material part number of the finished goods of the forecast order is more than the material part number of the finished goods of the production orders.

Regarding claim 5, in the method of Rand et al., the step of calculating material part numbers of produced finished goods from those variant orders between a forecast order and a production order through the Enterprise Resource Planning (ERP/MRP) server further comprises steps of the following: determining if the material part number of the finished goods of the forecast order is less than the material part number of the finished goods of the production orders; and, adjusting the next forecast order through the Enterprise Resource Planning (ERP/MRP) server.

Regarding claim 6, in the method of Rand et al., a fixed time interval is pre-set by the Enterprise Resource Planning (ERP/MRP) server based on various clients' requirements.

Regarding claim 7, in the method of Rand et al., the step of calculating material part numbers of produced finished goods from those variant orders between a forecast order and a production order through the Enterprise Resource Planning (ERP/MRP) server further comprises steps of the following: using the quantity amount of the forecasted order to deduct the quantity

amount of the production order according to the material part numbers of the finished goods through the Enterprise Resource Planning (ERP/MRP) server; exploding bill-of-material (BOM) of the material part number of the finished goods to find a common material and a specified material; and, storing the quantity amount and material part number of the surplus stock onto a potential excess parts column of the storage media.

Regarding claim 8, in the method of Rand et al., the specific materials are specified components or parts needed for respective prototypes/modules, no components and parts among which are overlapped in common.

Regarding claim 9, in the method of Rand et al., the common materials relate to general components or parts needed for at least two prototypes/modules and above, and are evaluated by pre-set columns through the Enterprise Resource Planning (ERP/MRP) server.

Regarding claim 10, in the method of Rand et al., the step of calculating required quantity demands of the surplus/excess stock over a fixed time interval to compare with surplus stocks in inventory further comprises the steps of the following: capturing a potential excess parts column through the Enterprise Resource Planning (ERP/MRP) server; forecasting required quantity of the surplus stock at a fixed time interval through the Enterprise Resource Planning (ERP/MRP) server; using the amount of the potential excess parts column deducts quantity of the surplus stock to determine if the result is greater than zero; and, distributing unused materials, if confirmed to be obsolescence, to relevant facility.

Regarding claim 11, the fixed time interval of Rand et al. is pre-set by the Enterprise Resource Planning (ERP/MRP) server based on life cycles of materials of various material features.

Regarding claim 12, in the method of Rand et al., the facility is to distinguish production demands according to various product prototypes/modules, and to implement received build orders at the enterprise end.

Regarding claim 13, in the method of Rand et al., the method of utilizing configure to order (CTO) concept of transmitting data is to transmit data on the network, it also can setup different fields and formats according to different requirements from various clients.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to the disclosure.

6. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(703) 305-1525**, and whose facsimile number is **(703) 746-3976**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

PLEASE TAKE NOTICE that on April 14, 2005 the examiner's telephone and facsimile numbers will be changing, to (571) 272-6787 and (571) 273-6787, respectively.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski, can be reached at (703) 308-5183, or, beginning April 14, 2005, at (571) 272-6788.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (703) 872-9306 (not changing).**

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Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

March 14, 2005

A handwritten signature in black ink, appearing to read "Gerald J. O'Connor", followed by the date "(3-14-05)" in parentheses.

Gerald J. O'Connor

Patent Examiner

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